

**Minutes of a Regular Session of the Common Council of the Town of Clarkdale
Held on Tuesday, February 9, 2021 at 6:00 P.M.**

A Regular Meeting of the Common Council of the Town of Clarkdale was held on Tuesday, February 9, 2021, at 6:00 P.M. via Zoom Video Conference.

CALL TO ORDER –Mayor Prud’homme-Bauer called the meeting to order at 6:00 P.M.

Town Council:

Mayor Robyn Prud’homme-Bauer
Councilmember Bill Regner
Councilmember Debbie Hunseder
Councilmember Marney Babbitt-Pierce
Councilmember Lisa O’Neill

Town Staff:

Town Manager Tracie Hlavinka
Public Works Director Maher Hazine
Community Development Director Ruth Mayday
Interim Finance Director Rob Sweeney
Human Resources Manager Annie Oddonetto
Parks and Recreation Manager Joni Westcott
Police Chief Randy Taylor
Town Clerk Mary Ellen Dunn

PUBLIC COMMENT – The Town Council invites the public to provide comments at this time. Members of the Council may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. §38-431.01(H), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date. Persons interested in making a comment on a specific agenda item are asked to complete a brief form and submit it to the Town Clerk during the meeting. Each speaker is asked to limit their comments to three minutes.

Mayor Prud’homme-Bauer read an email delivered to staff by Clarkdale resident, Peter deBlanc regarding dog licenses.

Organizational Reports – Reports regarding regional organizations submitted digitally for the following:

CAT – Cottonwood Area Transit – No report

VVTPO – Verde Valley Transportation Planning Organization – No report

NACOG - Northern Arizona Council of Governments – No report

NAMWUA - Northern Arizona Municipal Water Users Association – Submitted by Council Member O’Neill

VVREO – LRSPC - Verde Valley Regional Economic Organization's Long Range Strategic Plan – No report

TPAC – Transportation Policy Advisory Council – Councilmember Regner submitted report

VFLC – Verde Front Leadership Council – Submitted by Mayor Prud'homme-Bauer

CONSENT AGENDA - The consent agenda portion of the agenda is a means of expediting routine matters that must be acted on by the Council. All items are approved with one motion. Any items may be removed for discussion at the request of any Council Member.

- A. Approval of Minutes of the Common Council** - Approval of the minutes of the Regular Meeting held January 12, 2021 and Special Meeting held January 26, 2021.
- B. Claims** - List of specific expenditures made by the Town during the previous month. January 2021 check log and PPE dated January 2, 16, and 19, 2021.
- C. Board and Commission Minutes** – Acknowledgement of receipt of minutes and draft minutes of the previous month's Board and Commission Meetings.

Design Review Board minutes of meeting held January 6, 2021

Planning Commission minutes of meeting held January 19, 2021

General Plan Committee Notice of Cancellation of meeting January 14, 2021; Minutes of meeting held January 21, 2021

Parks and Recreation Commission minutes of meeting held January 13, 2021

- D. Acceptance of Resignation from Design Review Board** – Acceptance of email resignation from Design Review Board Member Hartshorn.

Action: Approve Consent Agenda items A – D as presented.

Motion: Vice Mayor Hunseder

Second: Council Member Babbitt-Pierce

Vote:

Voting Member	Aye/Nay
Council Member Marney Babbitt-Pierce	Aye
Vice Mayor Debbie Hunseder	Aye
Council Member Lisa O'Neill	Aye
Mayor Robyn Prud'homme-Bauer	Aye
Council Member Bill Regner	Aye

NEW BUSINESS

ARIZONA STATE PARKS AND TRAILS CONSERVATION GRANT - Discussion and possible action regarding an Arizona State Parks and Trails Conservation Grant for Selna-Mongini Park.

The following information is an abbreviated overview of what has been accomplished regarding Selna Mongini Park (formerly Selna Ballfield & Mongini Park) in the past few years:

- **December 2017** - Freeport McMoRan conducted soil testing on both park parcels. Remediation was recommended providing an opportunity to assess community needs for the park property as a whole.
- **October-December 2018** - Parks & Recreation Commission conducted extensive community outreach surveys and public meetings to determine community needs.
- **March-May 2019** - Final outreach on park plan concept.
- **June 2019** - Town Council approved the Selna Mongini Park Site Plan concept.
- **July 2019** - Town Council approved \$46,000 in designated funds for Selna Mongini Park for infrastructure work to be completed during the restoration. These funds were not used because Freeport McMoRan had a hold up on their end with the loss of their contractor, so staff had to put the project on hold.
- **June 2020** - In an effort to begin with the parks water flow feature, staff began seeking grants and the project was awarded \$7,000 toward the water flow feature proposed for Selna Mongini Park from two separate sources.
- **September 2020** - Council approved designated funds in the amount of \$50,000 and redesignated \$20,000 from the completed roof project to be used for Selna Mongini Park.

As a reminder, the upper section of the park, formerly Mongini Park, is not owned by the Town. Staff reached out to property owners some time ago to see if they would allow the Town to acquire the property. They are not currently interested in this prospect; however, they have agreed to renew the current lease agreement for a full 25 years. The annual cost of this lease to the Town is approximately \$850 per year (the annual taxes on the property).

Following a recent discussion with Landscape Architect, T. Barnabas Kane, staff has determined that two aspects of the current park plan are not suited to this particular park location. The community garden and the splash pad areas of the park will be re-purposed to additional green space. There will be no future plans for a splash pad due to their notoriously high-water consumption. Alternative locations for a community garden will be assessed in the future.

As part of the Master Park Plan, it was determined that grants would be needed in order to fund the park project. Staff has done the groundwork to see if the park project would qualify for the Land and Water Conservation Fund (LWCF) grant through the Arizona State Parks and Trails. The LWCF was established to assist federal, state, and local

governments in the acquisition and/or development of public outdoor recreation facilities. The program is administered at the federal level by the National Park Service.

Important aspects of the grant include:

Grant Type: Reimbursable

Funds Available: Variable

Required Match: 50%, Cash, labor, material, other grants

Timeframe: 3 years

Additional Information:

- 6F Boundary-Must remain open in perpetuity
- Project inspection every 5 years
- Acknowledgement sign
- Priorities based on SCORP, Trails Plan
- 25 plus years on lease
- 6% surcharge required

Mickey Rogers, Chief of Grants and Trails (ASPT) has already done a site visit review and has approved our pre-grant application with a request for \$500,000. Staff is in the process of securing the funds necessary to meet the grant criteria (50% match funds, 6 % surcharge).

Current funds for match including cash, labor, material, and other grants:

\$282,843	Freeport McMoran estimated remediation costs	Match
\$50,000	Designated fund -approved	Selna Mongini Park
\$27,000	Pool Donation funds-Council designated to be used for community children	Park Water flow feature
\$20,000	Redesignated funds from roof project -approved	Selna Mongini Park
\$5,000	Rural Activation & Innovation Network Verde Valley STEAM grant award	Specific to the park water flow feature
\$2,000	AZ Community Foundation grant award	Specific to the park water flow feature
\$2,000	Parks & Recreation donation fund	Redesignate to park project
\$2,000	New Year's Eve donation fund	Redesignate to park project
\$340	Parks & Recreation scholarship fund	Redesignate to park project
\$391,183	Total	

In addition, staff is working with local developers on amended agreements to include funds to be designated to Selna Mongini Park in lieu of other focuses. At this time, staff feels confident that the acquisition of the remaining needed grant match funds is achievable.

Parks and Recreation Manager Joni Westcott presented information on this agenda item. Council discussion followed. Westcott informed Council that the match would be identified when application was submitted and that funds received would be reimbursable based on receipts.

Action: Approve moving forward with the Land and Water Conservation Fund Grant.

Motion: Council Member Babbitt-Pierce

Second: Vice Mayor Hunseder

Vote:

Voting Member	Aye/Nay
Council Member Marney Babbitt-Pierce	Aye
Vice Mayor Debbie Hunseder	Aye
Council Member Lisa O'Neill	Aye
Mayor Robyn Prud'homme-Bauer	Aye
Council Member Bill Regner	Aye

PUBLIC HEARING REGARDING PROPOSED INCREASE TO POLICE REPORTS –

A public hearing to allow for comment regarding a proposed increase to the fees for Police Reports – Noncommercial Use and Police Reports Digital Media – Noncommercial Use.

Police Reports-Noncommercial Use Fee:

The current fee of \$0.25 per page does not cover the cost of researching and processing report requests. In addition, charging by the page makes the total cost difficult to estimate in advance for requesters. The proposed fee of \$5.00 for the first 20 pages and \$5.00 for each set of up to 20 pages thereafter is a reasonable fee for the cost of time, equipment, and personnel used in fulfilling the request and is comparable to the fees charged by other Verde Valley police departments.

Reports are provided electronically when possible. Crime victims under A.R.S. 39-127 are exempt from this fee.

Police Reports Digital Media-Noncommercial Use Fee:

There is no current fee for researching and processing requests for police digital media including body camera and audio recordings and photographs. The current fee schedule only allows \$0.25 per page fee for copies of police reports. This fee is not applicable to digital media not divisible into "pages" and which often must be copied onto DVD, requiring a significant amount of researching and processing time as well as the cost of the DVD and postage. The proposed fee of \$20, plus \$65 per hour if redaction is required, is a reasonable fee for the cost of time, equipment, and personnel used in fulfilling the request and is comparable to the fees charged by other Verde Valley police departments.

Digital media are provided electronically when possible; however, the size of the files often require providing the media on DVD. Crime victims under A.R.S. 39-127 are exempt from this fee.

Legal Requirement:

As part of the Fee Adoption Process, a Notice of Intent is required to be posted by the Town Clerk on the Town Website no less than 60 days prior to the Council Meeting adopting the Fee Resolution (currently scheduled for January 12, 2021). Additionally, the Notice of Intent will be placed in our Social Media platforms no later than January 26,

2021, and published in the newspaper on January 17 and 24, 2021. The fee Resolution is scheduled for adoption on the February 9, 2021 Council agenda.

This agenda item is to allow for public comment regarding a proposed increase in the fees for Police Reports-Noncommercial Use and Police Reports Digital Media-Noncommercial Use.

Police Chief Randy Taylor presented.

Mayor Prud'homme-Bauer opened for public comment. Seeing none, public comment was closed.

Action: Public Hearing only, no action necessary.

RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CLARKDALE, ARIZONA AMENDING RESOLUTION #1609, INCREASING FEES FOR POLICE REPORTS – Discussion and possible action regarding Resolution #1640, a resolution updating the Town Fee Schedule by setting fees for Police Reports - Noncommercial Use and Police Reports Digital Media – Noncommercial Use.

Action: Approval of Resolution #1640, a Resolution of the Mayor and Common Council of the Town of Clarkdale, Arizona amending Resolution #1609 and updating fees for police reports.

Motion: Vice Mayor Hunseder

Second: Council Member O'Neill

Vote:

Voting Member	Aye/Nay
Council Member Marney Babbitt-Pierce	Aye
Vice Mayor Debbie Hunseder	Aye
Council Member Lisa O'Neill	Aye
Mayor Robyn Prud'homme-Bauer	Aye
Council Member Bill Regner	Aye

PUBLIC HEARING REGARDING FEE SCHEDULE INCREASE FOR VERDE RIVER OUTFITTERS – A public hearing to allow for comment regarding a proposed increase for Verde River Outfitters.

Current fees for outfitter licensing were set in April of 2014:

VERDE RIVER @ CLARKDALE OUTFITTER LICENSING FEES (Effective 5/13/14)	
One Time Events – per customer	\$5.00
Annual Fee	\$3,000.00 – plus \$5.00 per customer in excess of 600 customers annually

In recent years, Council has directed staff to create a sustainable enterprise with regard to the Verde River @ Clarkdale resource. In an effort to assist with this challenge, staff is proposing a fee increase to \$8 per customer in order to improve the revenue intake for the Verde River @ Clarkdale project.

Justifications for the increase include:

No increase in fees since 2014

Increased River Ambassador hours/pay

Increased maintenance/operations costs

Decrease Prop 202 funds currently needed to support VR@C budget

The fee increase has been proposed to the current licensed outfitters and staff has received Letters of Interest for the 2021 season from all three currently permitted outfitters.

As part of the Fee Adoption Process, a Notice of Intent was posted by the Town Clerk on the Town Website, December 8, 2020 (no less than 60 days prior to the Council Meeting adopting the Fee Resolution). Additionally, the Notice of Intent was posted on Social Media platforms January 26, 2021, and published in the newspaper on January 17 and 24, 2021. The attached Fee Resolution is the final step for the adoption of these fees and surcharges. The effective date for these proposed rates will be March 1, 2021.

Parks and Recreation Manager Joni Westcott presented.

Mayor Prud'homme-Bauer opened for public comment. Seeing none, public comment was closed.

Action: Public Hearing only, no action necessary.

RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CLARKALE, ARIZONA AMENDING RESOLUTION #1609, SETTING OUTFITTER FEES FOR THE TOWN OF CLARKDALE – Discussion and possible action regarding Resolution #1640, a resolution updating the Town Fee Schedule with new Verde River Outfitter fees.

Action: Approval of Resolution #1640, a Resolution of the Mayor and Common Council of the Town of Clarkdale, Arizona amending Resolution #1609 and modifying outfitter fees.

Motion: Council Member Regner

Second: Council Member O'Neill

Vote:

Voting Member	Aye/Nay
Council Member Marney Babbitt-Pierce	Aye
Vice Mayor Debbie Hunseder	Aye
Council Member Lisa O'Neill	Aye
Mayor Robyn Prud'homme-Bauer	Aye

Council Member Bill Regner

Aye

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CLARKDALE, ARIZONA, ADDING DEFINITIONS TO CHAPTER 2, DEFINITIONS, AND ADDING CHAPTER 4, GENERAL PROVISIONS, PROVIDING FOR THE REGULATION OF TINY HOUSES, AND DECLARING THE FOREGOING AS A PUBLIC RECORD – Discussion and possible action regarding Ordinance #410, an ordinance amending the Town Zoning Code regarding the adoption of definitions and regulations for tiny houses.

Interest in development of Tiny Homes (TH) has been increasing as of late, and the current Zoning Code is silent with respect to this use. Staff has relied on the regulations set forth in the International Residential Code (IRC) specific to Tiny Houses to guide construction in single home situations to date. However, as these homes become more popular and development of tiny home neighborhoods becomes more prevalent, addressing the specific use and defining terms will create a clear path for managing this use.

The purpose of these proposed text amendments is to set forth definitions for Tiny Houses and allow for their use in the same manner as standard sized houses. Just as Chapter 2 Definitions of the zoning code defines single family dwelling units, duplexes, triplexes, fourplexes, and manufactured housing, codifying definitions related to Tiny Houses provides clarity of use for residents and developers alike.

Definitions and Classifications: Both county and municipal regulations were reviewed to provide a broad range of information and recommendations. Most jurisdictions use definitions based on the International Residential Code (IRC) Appendix Q:

“A dwelling that is 400 square feet (37m²) or less or less in floor area excluding any loft area”

Some jurisdictions have modified the minimum floor area from as small as 360 square feet to as large as 600 square feet; others have added language regarding affixture to a permanent foundation, or whether the unit has been constructed on-site, off-site, or some combination of the two. Currently, staff is managing this use in the same fashion as other residential structures as set forth in the IRC Appendix Q.

Classification of Tiny Homes tends to fall into the following three (3) categories:

- 1) Tiny Homes on Wheels (THOW): Tiny homes that are constructed on a chassis with wheels attached for the purpose of towing the structure from one site to another are generally treated as Recreational Vehicles (RV's), and follow requirements that apply to RV's, camping, camp grounds, and RV parks.
- 2) Tiny Homes that are constructed off site and assembled on-site or permanently affixed to an approved permanent foundation are typically considered to be manufactured housing and are treated as such. Whether the section(s) are delivered to the site on a

trailer or on a frame with wheels, the fact that sections are assembled in whole or part on site governs the determination of the type of construction.

3) **Site Built Tiny Homes:** These homes are built entirely on-site and considered to be "stick-built" homes. Permitting is identical to any other site-built home, regardless of size.

Density: Because TH's are significantly smaller than typical single-family homes, they are frequently considered for higher density single family residential development. For single-site construction of TH's, the primary issue is whether the home is built on a lot or parcel governed by Covenants, Codes, and Restrictions (CC & R's). Like the Zoning Code, CC & R's impose regulations regarding configuration of structures on a lot, exterior finishes, and other requirements that affect the design of a home in a subdivision. Although similar, the Town does not enforce CC & R's; rather, they are a private agreement between the declarant/developer and the buyer of a lot. Thus, construction of TH's in such communities would likely be dictated by the minimum home size allowed by the CC & R's. For those parcels that are not within a subdivision or lots within subdivisions not governed by CC & R's, the underlying zoning would prevail with respect to minimum lot size and density.

For new projects, TH projects would be subject to the development standard for the zoning district that applies to the underlying land. For instance, a TH project proposed for land zoned R-1 would be required to subdivide lots of no less than 10,000 square feet in area, without regard to the reduced size of the homes. Similarly, R1-L would allow for one (1) TH on a minimum lot size of one (1) acre. Projects that request cluster-style development could achieve that configuration using a Planned Area Development (PAD) approach, which provides flexibility in the design and layout of such projects.

Proposed Amendments to Zoning Code: Regulation of TH's should focus on the size of the structure and the construction methods (on-site versus off-site versus RV) rather than the perceived novelty associated with this type of home.

Chapter 2: Definitions The following definitions would be added to Chapter 2:

Tiny House: A single family residential dwelling that is 400 square feet (37m²) or less in floor area excluding any loft area, that has been constructed on-site on an approved, permanent foundation.

Tiny House Recreational Vehicle: A dwelling unit intended for itinerant residential purposes that is 400 square feet (37m²) or less in floor area excluding any loft area, that has been built on a chassis or trailer and towed or hauled by a vehicle.

Chapter 4: General Provisions Article 4-240 Tiny Houses:

1) Tiny Houses constructed on-site on permanent foundations in compliance with IRC Appendix Q regulations are permitted in any single-family residential zoning district.

- 2) Tiny Houses constructed as set forth in Article 4-230 (1) must have wastewater systems sized for the occupancy and fixture count, or connect to the Town's wastewater system.
- 3) Certificates of Occupancy shall only be issued to Tiny Homes built on or permanently affixed to approved permanent foundations and connected to an approved wastewater collection system. If the Tiny House is moved from one site to another, a new Certificate of Occupancy will be required.
- 4) Tiny Houses licensed as Travel or Recreational Vehicles by the State of Arizona are non-permanent housing and must be self-contained, and are permitted only in Recreational Vehicle Parks and Campgrounds.

Hearings: At the September 22, 2020 meeting of Town Council, staff requested direction regarding the initiation of text amendments concerning campgrounds and Recreational Vehicle Parks. Council directed staff to draft the amendments for discussion at a future meeting. Draft amendments were then considered at the October 27, 2020 Special Meeting of Town Council; it was the consensus of Council to initiate the text amendments.

The Planning Commission held a public hearing on January 19, 2021 to take comment on the proposed text amendments. One resident of Clarkdale attended the meeting, and one sent an email to staff regarding the proposed amendments. That email is provided as part of this agenda item.

Community Development Director Ruth Mayday presented information on this agenda item and Council commended her on new ordinance for this topic.

Action: Adopt the proposed amendments to Chapter 2, Definitions and add, Article 4-240 Tiny Houses, to Chapter 4, General Provisions.

Motion: Council Member Regner

Second: Vice Mayor Hunseder

Vote:


Voting Member	Aye/Nay
Council Member Marney Babbitt-Pierce	Aye
Vice Mayor Debbie Hunseder	Aye
Council Member Lisa O'Neill	Aye
Mayor Robyn Prud'homme-Bauer	Aye
Council Member Bill Regner	Aye

FUTURE AGENDA ITEMS - Listing of items to be placed on a future council agenda.

Strategic Planning session set for February 16, 2021 from 9 a.m. to 5 p.m.

ADJOURNMENT: Without objection Mayor Prud'homme-Bauer adjourned the meeting at 6:54 P.M.

APPROVED:


Robyn Prud'homme-Bauer, Mayor

ATTESTED/SUBMITTED:


Mary Ellen Dunn, Town Clerk

A. Oddonetto on behalf of

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the Town Council of the Town of Clarkdale, Arizona held on the 9th day of February, 2021. I further certify that meeting was duly called and held and that a quorum was present.

Dated this 10 day of March, 2021.

SEAL


Mary Ellen Dunn, Town Clerk

A. Oddonetto on behalf of